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EXTRAORDINARY

भग्न II-^त 1

PART II—Section 1

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पाठ वर्ण्या दी जाती है जिसमें कि यह ग्रन्तग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed
as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 4th September, 1967/Bhadra 23, 1889 (Saka)

THE TAXATION LAWS (AMENDMENT) ORDINANCE,
1967

NO. 5 OF 1967

Promulgated by the President in the Eighteenth Year of the
Republic of India.

An Ordinance further to amend the Wealth-tax Act, 1957, the
Gift-tax Act, 1958, and the Income-tax Act, 1961, and to
amend the Finance (No. 2) Act, 1967.

WHEREAS Parliament is not in session and the President is
satisfied that circumstances exist which render it necessary for him
to take immediate action;

Now, THEREFORE, in exercise of the powers conferred by clause
(1) of article 123 of the Constitution, the President is pleased to
promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Taxation Laws Short title
(Amendment) Ordinance, 1967. and com-
mencement.

(2) Section 5 shall come into force at once and the remaining provisions of this Ordinance shall come into force on the 1st day of October, 1967.

Amend-
ment of
Act 27 of
1957. 2. In the Wealth-tax Act, 1957, in sections 31 and 34A, for the words "six per cent.", the words "nine per cent." shall be substituted.

Amend-
ment of
Act 18 of
1958. 3. In the Gift-tax Act, 1958, in sections 32 and 33A, for the words "six per cent.", the words "nine per cent." shall be substituted.

Amend-
ment of
Act 43 of
1961. 4. In the Income-tax Act, 1961,—

(i) in section 37, after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) Notwithstanding anything contained in sub-section (1) or sub-section (2), no allowance shall be made in respect of so much of the expenditure in the nature of entertainment expenditure incurred by any assessee during any previous year which expires after the 30th day of September, 1967, as is in excess of the aggregate amount computed as hereunder:—

<p>(i) on the first Rs. 10,00,000 of the profits and gains of the business or profession (computed before making any allowance under section 33 or section 33A or in respect of entertainment expenditure)</p>	<p>at the rate of $\frac{1}{2}$ per cent. or Rs. 5,000, whichever is higher;</p>
<p>(ii) on the next Rs. 40,00,000 of the profits and gains of the business or profession (computed in the manner aforesaid)</p>	<p>at the rate of $\frac{1}{4}$ per cent.;</p>
<p>(iii) on the next Rs. 1,20,00,000 of the profits and gains of the business or profession (computed in the manner aforesaid)</p>	<p>at the rate of $\frac{1}{8}$ per cent.;</p>
<p>(iv) on the balance of the profits and gains of the business or profession (computed in the manner aforesaid)</p>	<p>nil:</p>

Provided that where the previous year of any assessee falls partly before and partly after the 30th day of September, 1967, the allowance in respect of such expenditure incurred during the previous year shall not exceed—

(a) in the case of a company—

(i) in respect of such expenditure incurred before the 1st day of October, 1967, the sum which bears to the aggregate amount computed at the rate or rates specified in sub-section (2), the same proportion as the number of days comprised in the period commencing on the first day of such previous year and ending with the 30th day of September, 1967, bears to the total number of days in the previous year;

(ii) in respect of such expenditure incurred after the 30th day of September, 1967, the sum which bears to the aggregate amount computed at the rate or rates specified in this sub-section, the same proportion as the number of days comprised in the period commencing on the 1st day of October, 1967, and ending with the last day of the previous year bears to the total number of days in the previous year;

(b) in any other case—

(i) in respect of such expenditure incurred before the 1st day of October, 1967, the amount admissible under sub-section (1);

(ii) in respect of such expenditure incurred after the 30th day of September, 1967, the sum which bears to the aggregate amount computed at the rate or rates specified in this sub-section, the same proportion as the number of days comprised in the period commencing on the 1st day of October, 1967, and ending with the last day of the previous year bears to the total number of days in the previous year.”;

(ii) in sections 132A, 139, 201, 213 to 217, 220, 243 and 244, for the words “six per cent.”, the words “nine per cent.” shall be substituted;

(iii) in section 280X. —

(a) in sub-section (1), clause (b) of the proviso shall be omitted;

(b) for the *Explanation*, the following *Explanation* shall be substituted, namely:—

Explanation.—(i) In this section, the expression “annuity deposit required to be made” shall mean the amount of annuity deposit calculated on the adjusted total income of the depositor at the rate or rates specified in the Finance Act of the relevant year, but where the amount so calculated exceeds the amount computed in the manner specified in clause (ii) of this *Explanation* (the amount so computed being hereinafter referred to as the specified amount), then, the annuity deposit required to be made shall mean the specified amount.

(ii) The specified amount referred to in clause (i) of this *Explanation* shall be—

(a) in a case where the total income (as computed without making any allowance under section 280C) exceeds fifteen thousand rupees but does not exceed twenty thousand rupees, an amount equal to one per cent. of the adjusted total income of the depositor;

(b) in a case where the total income (computed in the manner aforesaid) exceeds twenty thousand rupees but does not exceed twenty-five thousand rupees, an amount equal to—

(1) the aggregate of the sum calculated at one per cent. on so much of the adjusted total income as does not exceed twenty thousand rupees and the sum by which the total income (computed in the manner aforesaid) exceeds twenty thousand rupees, or

(2) one and a half per cent. of the adjusted total income of the depositor, whichever is less;

(c) in a case where the total income (computed in the manner aforesaid) exceeds twenty-five thousand rupees, an amount equal to the aggregate of the sum calculated at one and a half per cent. on so much of the adjusted total income as does not exceed twenty-five thousand rupees and the sum by which the total income (computed in the manner aforesaid) exceeds twenty-five thousand rupees.'

5. In the Finance (No. 2) Act, 1967,—

Amend-
ment of
Act 20 of
1967.

(i) in section 3, for sub-section (1), the following sub-section shall be, and shall be deemed always to have been, substituted, namely:—

“(1) Save as otherwise provided in Chapter XXIIA of the Income-tax Act, annuity deposit shall be made by every person to whom the provisions of that Chapter apply—

(a) for the assessment year commencing on the 1st day of April, 1967, at the rate or rates specified in Part I of the Second Schedule; and

(b) during the financial year commencing on the 1st day of April, 1967 (in relation to the adjusted total income of the previous year relevant to the assessment year commencing on the 1st day of April, 1968), at the rate or rates specified in Part II of the Second Schedule.”;

(ii) for the Second Schedule, the following Schedule shall be, and shall be deemed always to have been, substituted, namely:—

THE SECOND SCHEDULE

(See section 3)

PART I

RATES OF ANNUITY DEPOSIT FOR THE ASSESSMENT YEAR 1967-68

(i) In the case of any depositor whose total income does not exceed Rs. 15,000 Nil.

(ii) In the case of any depositor whose total income exceeds Rs. 15,000 but does not exceed Rs. 20,000 5 per cent. of the adjusted total income:

Provided that the annuity deposit to be made shall in no case exceed half the amount by which the total income exceeds Rs. 15,000.

(iii) In the case of a depositor whose total income exceeds Rs. 20,000 but does not exceed Rs. 40,000 7½ per cent. of the adjusted total income:

Provided that the annuity deposit to be made shall in no case exceed the aggregate of the following sums, namely:—

(a) an amount calculated at five per cent. on so much of the adjusted total income as does not exceed Rs. 20,000;

(b) one-half of the amount by which the total income exceeds Rs. 20,000.

(iv) In the case of a depositor whose total income exceeds Rs. 40,000 but does not exceed Rs. 70,000 10 per cent. of the adjusted total income :

Provided that the annuity deposit to be made shall in no case exceed the aggregate of the following sums, namely :—

(a) an amount calculated at seven and a half per cent. on so much of the adjusted total income as does not exceed Rs. 40,000;

(b) one-half of the amount by which the total income exceeds Rs. 40,000.

(v) In the case of a depositor whose total income exceeds Rs. 70,000 12½ per cent. of the adjusted total income :

Provided that the annuity deposit to be made shall in no case exceed the aggregate of the following sums, namely :—

(a) an amount calculated at ten per cent. on so much of the adjusted total income as does not exceed Rs. 70,000;

(b) one-half of the amount by which the total income exceeds Rs. 70,000.

PART II

RATES OF ANNUITY DEPOSIT TO BE MADE DURING THE FINANCIAL YEAR 1967-68

(i) In the case of any depositor whose total income does not exceed Rs. 15,000 Nil.

(ii) In the case of any depositor whose total income exceeds Rs. 15,000 but does not exceed Rs. 20,000. 6 per cent. of the adjusted total income :

Provided that the annuity deposit to be made shall in no case exceed half the amount by which the total income exceeds Rs. 15,000.

(iii) In the case of a depositor whose total income exceeds Rs. 20,000 but does not exceed Rs. 40,000. 9 per cent. of the adjusted total income :

Provided that the annuity deposit to be made shall in no case exceed the aggregate of the following sums, namely :—

- (a) an amount calculated at six per cent. on so much of the adjusted total income as does not exceed Rs. 20,000;
- (b) one half of the amount by which the total income exceeds Rs. 20,000.
- (iv) In the case of a depositor whose total income exceeds Rs. 40,000 but does not exceed Rs. 70,000 12 per cent. of the adjusted total income .

Provided that the annuity deposit to be made shall in no case exceed the aggregate of the following sums, namely :—

- (a) an amount calculated at nine per cent. on so much of the adjusted total income as does not exceed Rs. 40,000;
- (b) one-half of the amount by which the total income exceeds Rs. 40,000.
- (v) In the case of a depositor whose total income exceeds Rs. 70,000 15 per cent. of the adjusted total income :

Provided that the annuity deposit to be made shall in no case exceed the aggregate of the following sums, namely :—

- (a) an amount calculated at twelve per cent. on so much of the adjusted total income as does not exceed Rs. 70,000;
- (b) one-half of the amount by which the total income exceeds Rs. 70,000.

Explanation—In this Schedule, "total income" means total income computed in the manner laid down in the Income-tax Act without making any allowance under section 280O of that Act.'

ZAKIR HUSAIN,
President.

S. P. SEN-VARMA,
Secy. to the Govt. of India.

